

U.S. Army Corps of Engineers - Charleston District
Checklist for 2002 Nationwide Permit Review
Nationwide Permit 44

Mining Activities
(404)

SAC#: _____

Applicant Name: _____

Waterway/Location: _____

Project Name: _____

1. Is the discharge of dredge or fill material into streams where the average annual flow is 1 cubic foot per second or less or non-tidal wetlands adjacent to headwater streams, for aggregate mining (i.e., sand, gravel, and crushed and broken stone) and associated support activities?

☐ Yes ☐ No

2. Is the discharge of dredge or fill material into streams where the average annual flow is greater than one cubic foot per second or in waters of the U.S. within 100 feet of the ordinary high water mark of headwater stream segments where the average annual flow of the stream is greater than one cubic foot per second?

☐ Yes ☐ No

3. Is the discharge of dredge or fill material into lower perennial streams, **excluding wetlands, adjacent to lower perennial streams**, for aggregate mining activities?

☐ Yes ☐ No

4. Is the discharge of dredge or fill material for associated support activities into lower perennial streams or wetlands adjacent to lower perennial streams, for aggregate mining activities?

☐ Yes ☐ No

5. Is the discharge of dredge or fill material into no-tidal wetlands adjacent to headwater streams, for hard rock/mineral mining activities (i.e., extraction of metalliferous ores from subsurface locations) and associated support activities?

☐ Yes ☐ No

6. Has the permittee submitted a complete PCN for the proposed activities?*

☐ Yes ☐ No

7. Does the mined area within waters of the U.S., plus the average loss of waters of the U.S. resulting from support activities, exceed ½ acre?
- ☐ Yes ☐ No
8. Does the activity include hard rock mining or placer mining in streams or hard rock/mineral mining in waters of the U.S. within 100 feet of the ordinary high water mark of headwater streams?
- ☐ Yes ☐ No
9. Did the permittee avoid and minimize discharges into waters of the U.S. to the maximum extent practicable?
- ☐ Yes* ☐ No
10. Does the activity substantially alter the sediment characteristics of areas of concentrated shellfish beds or fish spawning areas?
- ☐ Yes ☐ No
11. Does the activity include the necessary measures to minimize downstream turbidity, prevent increases in stream gradient and water velocities, and prevent adverse effects to upstream and downstream channel conditions?
- ☐ Yes ☐ No
12. Does the activity result in adverse effects on the course, capacity, or condition of navigable waters of the U.S.?
- ☐ Yes ☐ No
13. Did the permittee provide compensatory mitigation for wetland impacts?
- ☐ Yes ☐ No
14. Does the activity include the beneficiation and mineral processing for hard rock/mineral mining activities within 200 feet of the ordinary high water mark of any open waterbody?
- ☐ Yes¹ ☐ No
15. Is the activity a single and complete project?
- ☐ Yes ☐ No
16. Does the discharge cause the loss of greater than 300 linear feet of streambed?
- ☐ Yes ☐ No
17. Are all of the applicable NWP General and Regional Conditions satisfied, including endangered species, and cultural resources, and if any Federally listed species and/or designated critical habitat occurs in the action area, have you made an effect determination and properly documented it in the administrative record?
- ☐ Yes ☐ No

TO QUALIFY FOR THE NWP, UNLESS OTHERWISE NOTED, EVERY NUMBERED ITEM MUST HAVE A CHECKED BOX.

* - REQUIRES A PRE-CONSTRUCTION NOTIFICATION (PCN) TO THE DISTRICT ENGINEER.

IN ADDITION THE PCN MUST INCLUDE:

- **A description of waters of the U.S. adversely affected by the project**
- **A description of measures taken to ensure that the proposed work complies with 8, 9, and 10 above**
- **A written statement detailing why the discharge must occur in waters of the U.S. and why additional minimization cannot be achieved**

¹⁻ Although the Corps does not regulate discharges from these activities, a CWA section 402 permit may be required.